

**REMARKS**

**Status of the Claims**

Claims 1-61 are currently pending in the application and subject to a Restriction Requirement. (See, Office Communication of September 8, 2006, at page 2). Applicants traverse the Restriction Requirement as set forth herein. Reconsideration is respectfully requested.

**Restriction Requirement/Election of Species**

Claims 1-61 are subject to a Restriction Requirement under 35 U.S.C. §§ 121 and 372 for reciting inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. (See, Office Communication of 2006, at page 2, hereinafter, "Office Communication"). Applicants traverse as hereinafter set forth.

The Examiner states that the claims divided into 15 groups because they lack the same or corresponding special technical feature. (*Id.*).

The Examiner has required election in the present application between Groups I-XV. (See, *Id.* at pages 2-3). The Examiner has also required restriction between any one of SEQ ID NOS:1-3 in addition to Groups I-XV. (*Id.* at page 5).

The Examiner further reminds Applicants that because the present Restriction is between a product and its process of use, where Applicants elect claims directed to the product, and a product is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of M.P.E.P. § 821.04. Such process claims that depend from or

otherwise include all the limitations of the patentable product are entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Furthermore, in the event of rejoinder, Applicants understand that the requirement for restriction between the product claims and the rejoined process claims will be withdrawn, and the rejoined process claims must be fully examined for patentability according to the provisions of M.P.E.P. § 1.104.

**For the purpose of continuing prosecution of the present application, Applicants elect, with traverse, Group II, claims 7, 20 and 58, drawn to an isolated AMIGO polypeptide and a pharmaceutical composition comprising the polypeptide.**

Applicants are aware that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

Applicants understand that they must elect a single species for further prosecution. However, once the Examiner finds allowable subject matter based upon the single species elected, the Examiner is required to then expand the search to include a reasonable number of additional species. As provided in the M.P.E.P. at § 809.02 and stated by the Examiner:

*Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).*

Thus, at least the claims of Group I (i.e., claims 1-6, 8, 20 and 58) and Group II (i.e., claims 7, 20 and 58) are requested to be rejoined since they encompass claims directed to related subject matter, Group I being the nucleic acids encoding the polypeptides which are the subject of Group II.

Therefore, reconsideration and withdrawal of the Restriction Requirement of at least claims 1-8, 20 and 58 are respectfully requested.

### CONCLUSION

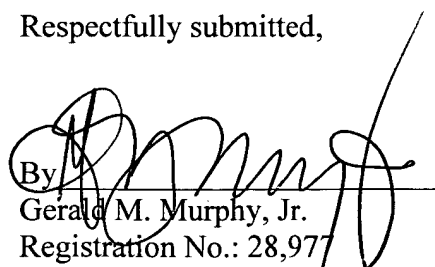
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Thomas M. Siepman, Ph.D., Registration No 57,347, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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